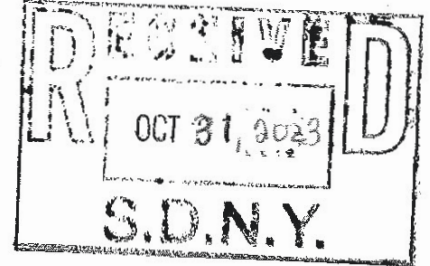


CORNELIO CAZAREZ MADRID
Register Number: 85942-054
MDC BROOKLYN
METROPOLITAN DETENTION CENTER
P.O. BOX 329002
BROOKLYN, NY 11232
October 30, 2023

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/6/2023



The Honorable Gregory H. Woods
United States District Court Southern
District of New York 500 Pearl Street
New York, NY 10007

MEMORANDUM ENDORSED

United States of America, Plaintiff, v. Cornelio Cazarez Madrid Defendant.	16 CR 680 (GHW)
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EMERGENCY PRO-SE LETTER MOTION REQUESTING STAY PENDING APPEAL

Dear Honorable Judge,

I trust this correspondence reaches you in good health. I am proceeding Sui Juris in Propria Persona to very respectfully request a 60-day postponement of transfer from Metropolitan Detention Center in Brooking while my appeal is pending.

Brief Background:

On June 6, 2023, I was convicted and sentenced to a term of imprisonment lasting for a total of 456 months concurrently in count one and two of the indictment after pleading guilty. Subsequent to the imposition of my sentence, my legal advisor timely submitted on June 20, 2023, an official notice of appeal indicating this Court his intention to appeal certain aspects related to both the criminal proceedings and pretrial investigation that require further examination as well as additional factual information gathering in order to ensure completeness during pending appeal before the Second Circuit Court of Appeals under appellate number 23-6670.

Legal Basis:

I hereby acknowledge that, following the imposition of my conviction and sentence by the Court, I may be transferred to another federal prison¹ in accordance with established protocols within the Bureau of Prisons (BOP), provided there are no exceptional circumstances.

However,

On September 19, 2023, the Second Circuit Court of Appeals issued an order to inform my legal advisor that my appellate brief is due by December 15, 2023. Considering this situation and its importance, I request a period of sixty days during which I may have legal visits with my legal counsel to thoroughly examine my pretrial record, criminal investigation file, for potential favorable issues such as ineffective assistance of counsel, government misconduct and intrusion into my legal defense, and fraud upon the court in support of my appeal and final brief. It is crucial that any decision regarding any immediate transfer be temporarily postponed until after the completion of this legal investigation, and appellate briefing.

In consideration of the aforementioned factors and in fulfillment of the legal system duty to ensure my right to due process, and effective assistance of counsel, I firmly believe that granting me a 60-day stay on my current transfer arrangement would be both fair and equitable.


Based on the above, I kindly request that this Honorable Court grant a temporary stay of 60 days of my transfer, allowing my legal team sufficient time to present compelling arguments and perfect my appellate brief accordingly.

I am confident that granting this motion will uphold justice and prevent any potential irreparable harm to my rights during the appeals process.

Thank you for your prompt attention to this urgent matter. I respectfully urge Your Honor to exercise discretion in a manner consistent with principles of fairness and equity.

¹ Based on the information available and reasonable belief, it is possible that the Bureau of Prisons may be relocating the undersigned from this jurisdiction to a correctional facility located near California's West Coast. This potential transfer would likely impede the undersigned's legal counsel ability to communicate with me effectively.

RESPECTFULLY SUBMITTED, in Brooklyn, New York, on this the 30th day of October 2023.



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I hereby certify that a true and exact copy of the foregoing letter motion was sent to the Rebekah Allen Donaleski, United States Attorney's Office, SDNY, One Saint Andrew's Plaza, New York, NY 10007.



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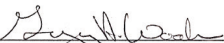
Application denied. First, Mr. Madrid has counsel. His counsel has requested that the Court delay Mr. Madrid's potential transfer from the MDC twice in the month of October. Dkt. Nos. 143 and 145. The Court denied those requests. Dkt. Nos. 144 and 146. Mr. Madrid may proceed pro se, but is not entitled to so-called hybrid representation in which the Court entertains motions both from the defendant and his counsel as a matter of course. *See United States v. Rivernider*, 828 F.3d 91, 108 (2d Cir.), *cert. denied sub nom. Ponte v. United States*, 137 S. Ct. 456, 196 L. Ed. 2d 336 (2016) ("A defendant has a right either to counsel or to proceed pro se but has no right to "hybrid" representation, in which he is represented by counsel from time to time, but may slip into pro se mode for selected presentations). The Court need not allow Mr. Madrid to slip into pro se mode to reprise a request twice denied to his counsel. The motion should be denied on that basis alone. Second, no adequate showing has been made for the Court to stay his transfer pending appeal for the reasons articulated in the Court's prior denials of his counsel's requests. The Court notes that Mr. Madrid has not made a showing that he is any differently situated than any other federal criminal defendant such that he should be entitled to the relief requested. Mr. Madrid has retained counsel who may communicate with him in person or by electronic means in any facility in which he is incarcerated.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 147 and to mail a copy of this order to Mr. Madrid.

SO ORDERED.

Dated: November 6, 2023
New York, New York


GREGORY H. WOODS
United States District Judge